

APPROVED: Meeting No. 45-80

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 43-80

November 24, 1980

The Mayor and Council of Rockville, Maryland, convened in executive session in the Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 7:00 p.m. on Monday, November 24, 1980, to discuss property acquisition. There being no further business to come before the Council in executive session, the meeting was adjourned at 8:00 p.m.

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, November 24, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Chief of Police Jared Stout; Public Information Office Sue M. Patterson; Director of Finance John Lawton.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Montgomery County Council is considering Bill No. 46-80, which is the regulation of precious metals. There are two provisions of importance in the bill -- a dealer would have to hold any article containing precious metal in an unadulterated state for 15 days and articles containing precious metals cannot be purchased from minors unless they are accompanied by a parent or a legal guardian. Once this bill is adopted it will not be effective in the City limits unless the City adopts parallel legislation.

Mayor Hanna asked that the City Attorney draft legislation along similar lines since it would seem to be in the City's best interest.

2. The record of the Rockshire PRU closed Wednesday. The attorney for the owner and the Homeowners Association presented into the record what appears to

be an agreement between them. It calls for allowing the developer to use part of the elderly housing site and the library site. Development on the two sites will be restricted to a total of 25 townhouses. The Planning Commission will review the material so that it can appear on the December 8 agenda. Mayor Hanna asked if it had been presented to the community. The City Manager said it has been and the Homeowners Association adopted a resolution endorsing the concept. Councilman Abrams asked if the new proposal will require additional public hearings. The City Manager said the City Attorney will have that advice at the Council's next meeting.

Re: Resolution: Commendation -
Doyle K. Hodges

Resolution No. 28-80

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 28-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, recognizing and commending Doyle Hodges for outstanding achievement, was adopted by the Mayor and Council. Councilman Abrams read the resolution and the Mayor and Council congratulated Scout Hodges. He thanked them for this additional honor.

Re: Preliminary Review of Text
Amendment Application, T-42-80,
Planning Commission of Rockville,
Applicant, Expansion of the O-1 zone.

The subject text amendment has been prepared and filed at the request of the Planning Commission to amend provisions of the O-1, Office Building Zone relative to retail and commercial uses in this predominantly office-use district.

Adjustment to the O-1 Zone was one of the follow-up actions recommended by the Planning Commission during the Town Center planning process.

The subject amendment will: expand the list of uses allowed; improve the visibility of the retail/commercial uses; and increase the percentage of retail/commercial uses allowed in an office building.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, text amendment application, T-42-80, was referred to the Planning Commission for further review and study.

Re: Extension of contract for sale
of Red Gate Industrial Park land
to C.I. Mitchell and Best Company

Robert L. Mitchell, President of CI/Mitchell and Best Company, the contract purchasers of Lot 1, Block A in the Red Gate Industrial Tract has requested an extension to the sales agreement which would delay the time for settlement until March 1, 1981. Mr. Mitchell explains that the extension of settlement time is necessitated by the need for the City to approve and adopt Zoning Text Amendment T-38-80, which clarifies the height limitation in the I-4 zone and because of the uncertainty of the mortgage market at this time.

In his letter, Mr. Mitchell makes a proposal that in the event his company cannot go to settlement on March 1, 1981, it will pay to the City an increased purchase price of one percent per month until settlement does take place. If final settlement has not been held by September 1, 1981, the contract shall become void and all monies paid to the City (\$30,000 plus landscaping cost) shall be forfeited.

Staff recommends that the Mayor and Council accept Mr. Mitchell's proposal and that an addendum be prepared to the original sales agreement containing the provisions described above.

Councilwoman Fordham asked that the one percent premium begin in December, the original settlement date. The Council did not agree. Councilman Tyner said that March 1 is time enough to start a penalty. Councilwoman Fordham disagreed and said she is not considering a penalty, just good business practice since every day the land is becoming more valuable; and if Mr. Mitchell asks the City to extend it, he should be willing to pay for that privilege. The Council discussed this further with Councilwoman Fordham maintaining her view point.

On motion of Councilman Tyner, duly seconded and passed, the Council approved the extension of the contract, only Councilwoman Fordham voting nay.

Re: Adoption of Ordinance: To
grant text amendment applica-
tion, T-39-80, G. Brugger for
Seven Locks Associates,
Applicants

Ordinance No. 34-80

Councilman Freeland moved, duly seconded, that the ordinance be amended to include language as recommended by the City Attorney that would approve an

agreement allowing a sign to be constructed in the City's right-of-way.

Councilman Abrams questioned the wording of the ordinance as it approves a 50 square ft. sign and asked how this is interpreted by the staff and administered. He suggested that the ordinance be amended to state that it would be 50 square feet per side. Council continued this discussion in an attempt to clarify the staff's administration since the City Attorney had no idea at this time as to how it is currently being administered.

Councilman Freeland's motion to amend the ordinance was defeated, only Councilman Freeland voting aye.

Councilman Abrams moved, duly seconded, that Section 6 of the ordinance be amended to include the wording "per side". The City Attorney expressed his concern with this amendment. Because of this, Mayor Hanna asked the City Attorney to check with the staff to find out how it is being administered and the Council would temporarily suspend the item and await the information.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. DOT, re meetings with local officials.
2. Roni Silverstein, re fee exemption for special exception application.

Councilwoman Fordham asked why this special exception was not enforced previously. The City Manager said the Planning Commission never had an opportunity to review it although it was stated to the contrary in the letter. Councilman Tyner suggested that the Newsletter Editor look into publicizing the fact that special exceptions are needed for such home occupations.

3. Senator Mathias, response to letter on General Revenue Sharing.
4. N. Duffin, Progressive Citizens Association, re regulation of shooting ranges.
5. Civic Federation Notice of Meeting.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Copy of article on Low Pressure Sodium Lighting.
2. Memo from City Attorney re MML litigation.
3. Copy of letter from N.R. Kimmel to City Manager.
4. News Release on public hearing on State rail plan.
5. Copies of tenants survey at One-Stop Shop.

6. Memo re Stop sign on Nelson at Crocus.

Mayor Hanna said he agrees to the City Manager's recommendation.

7. Memo re Public Information Awards presentation.

8. Memo re night flashing of traffic signals.

Re: Continuation of adoption of ordinance to grant text amendment application, T-39-80

Mr. Titus told the Mayor and Council that the staff is administering the ordinance to allow 50 square feet per side, per side meaning that which is visible to a person standing and looking at it from one perspective. He told Councilman Abrams his amendment is already an administrative practice of the City staff. Councilman Abrams questioned whether or not the applicant would be aware of this. Mr. Titus said that most sign makers know what administrative practices are followed in each jurisdiction and pass this information on to their customers. Councilman Abrams asked the City Attorney if he sees any perils of incorporating the administrative practice into the ordinance. Mr. Titus said to do so would cause it to be done on a piecemeal basis and it would look as though it is applicable only to this section. As the ordinance now reads and as it is administered it would stand up in any court of law. Councilman Abrams said that with those assurances he will withdraw his amendment since he is satisfied. Councilwoman Fordham, the seconder of the motion, also withdrew.

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 34-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, adopting Text Amendment Application, T-39-80, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Joseph Lawrick, co-chairman of the Croyden Park Neighborhood Advisory Committee. Mr. Lawrick presented a letter to the Mayor and Council pointing out the danger that exists because of the newly created intersection at Park Road and Stonestreet Avenue and asking for a traffic light.

2. Mary Luckenbaugh. Mrs. Luckenbaugh also addressed the dangerous intersection and suggested that the Mayor and Council complete a sidewalk along the north side of Park Road from its intersection with Grandin Avenue to its intersection with north leg of Stonestreet Avenue.

3. Joseph Schneider. Mr. Schneider told the Council that Mr. Sanford of the City staff has witnessed accidents at this intersection. He read a letter to the Council reiterating the suggestions noted by Mr. Lawrick and Mrs. Luckenbaugh. Mayor Hanna took the letter for the Traffic and Transportation Commission for their study and recommendation. He told the citizens that there is never a quick way to get a traffic light but he will pass the information on.

4. Stephen Fisher. Mr. Fisher thanked Mayor Hanna and Councilwoman Fordham for attending the Civic Federation meeting last Thursday. He asked if the Rockville code provides for fire alarm systems on each floor in highrise buildings and if Rockville has sufficient equipment to evacuate people in an emergency such as what occurred last week in Las Vegas. Mayor Hanna said the City code is completely up to date and it takes care of such things. Mr. Fisher asked when the striping would be completed in the City. Mr. Hobbs said it is now behind schedule.

5. Glenn Looper. Mr. Looper agreed with the problem that exists at the Park Road and Stonestreet intersection. He said it is quite possible that striping would help at that intersection until signals are in place. Mayor Hanna asked that this be passed on to the Traffic and Transportation Commission.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 40-80, November 3, 1980, were approved as written.

Re: Adjournment

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was adjourned at 9:25 p.m. to convene again in general session on Monday, December 8, 1980, at 8:00 p.m. or at the call of the Mayor.